

**SANDRA SULEWSKI
REQUEST FOR ZONE CHANGE FROM R-3 to B-1
STAFF REPORT #KZC-20-01**

**KALISPELL PLANNING DEPARTMENT
FEBRUARY 11, 2020**

The following is a report to the Kalispell City Planning Board and the Kalispell City Council regarding a request to change the City of Kalispell Zoning Map from R-3 (Residential) to B-1 (Neighborhood Business) at 1260 North Meridian Road. A public hearing has been scheduled before the Kalispell City Planning Board for February 11, 2020, beginning at 6:00 PM, to consider the zone change request. The planning board will forward a recommendation to the Kalispell City Council for consideration.

BACKGROUND INFORMATION

This application is a request from Sandra Sulewski to amend the city zoning map from R-3 (Residential) to B-1 (Neighborhood Business). The property is located at 1260 North Meridian Road (Lot 17, Block 1 of Northwest Tracts). It contains approximately 0.93 acres with a house and cabin along with a detached garage. There are currently no specific development plans for the property. The request will be reviewed in accordance with Chapter 27.29 of the Kalispell Zoning Ordinance.

- A. Petitioner / Owner:** Sandra Sulewski
196 Zimmerman Rd
Kalispell, MT 59901
- B. Location and Legal Description of Property:** The property is located at 1260 North Meridian Road and can be legally described as Lot 17, Block 1 of Northwest Tracts, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder, Flathead County, Montana.



C. Existing Land Use and Zoning: The existing use is residential. The property contains both a single-family residence and a cabin, although much of the property is undeveloped. The subject property is currently zoned R-3 (Residential). The Kalispell Zoning Regulations state that the intent of the R-3 zoning district is “to provide areas for urban residential development. This district should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc. Development within this district must be served by all public utilities. This zoning district would typically be found in areas designated as suburban residential or urban residential on the Kalispell Growth Policy Future Land Use Map.”

D. Proposed Zoning: The proposed zoning for the subject property is B-1 (Neighborhood Business). The Kalispell Zoning Regulations state that the B-1 Zone is:

“A business district intended to provide certain commercial and professional office uses where such uses are compatible with the adjacent residential areas. This district would typically serve as a buffer between residential areas and other commercial districts. Development scale and pedestrian orientation are important elements of this district. This district is also intended to provide goods and services at a neighborhood level. The district is not intended for those businesses that require the outdoor display, sale and/or storage of merchandise, outdoor services or operations to accommodate large-scale commercial operations. This zoning district would typically be found in areas designated as neighborhood commercial or urban mixed use on the Kalispell Growth Policy Future Land Use Map.”

E. Size: The zone change covers a total area of approximately 0.93 acres.

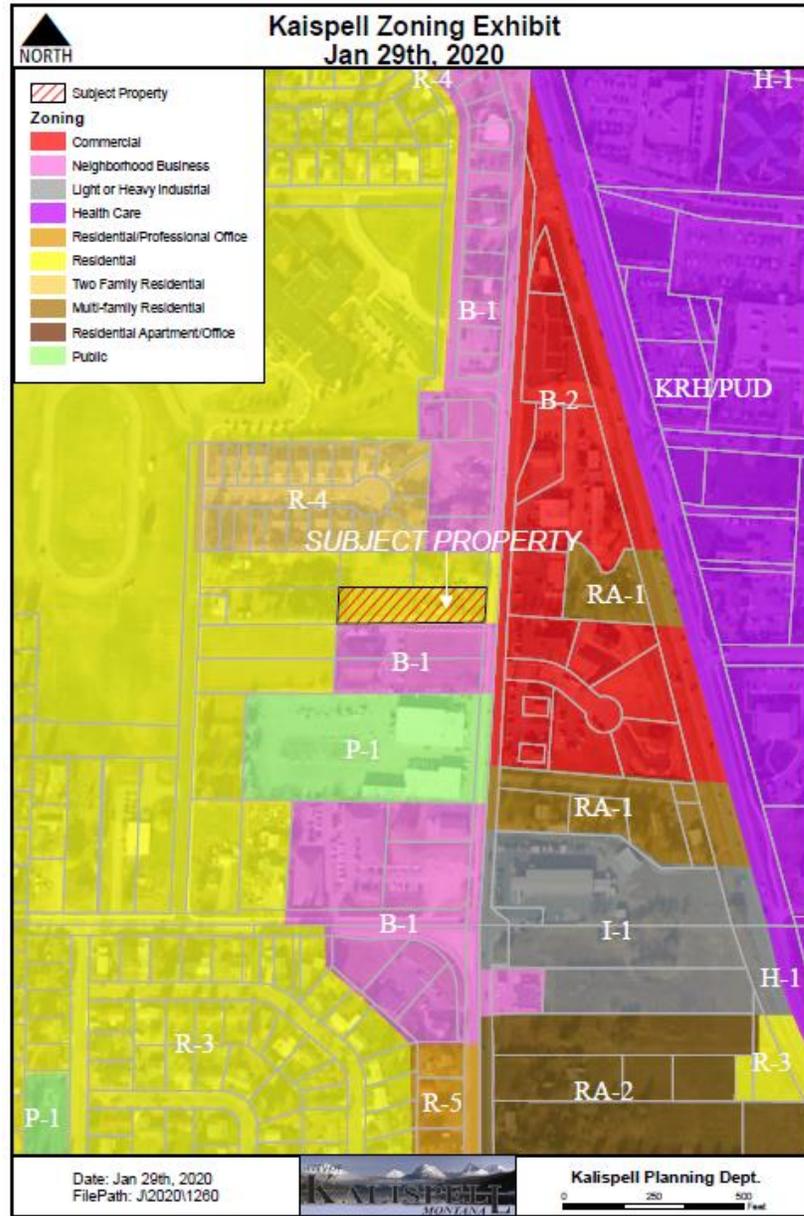
F. Adjacent Zoning:

North: R-3/B-1

East: B-2

South: B-1

West: R-3



G. Adjacent Land Uses:

- North: Single-family residences
- East: Automotive repair and offices
- South: Dental office with undeveloped commercial pad to the front
- West: Single-family residential

H. General Land Use Character: The property fronts on North Meridian Road and the character of the neighborhood has a mix of uses. The east side of the road is predominantly commercial, with auto repair, a tire shop, and offices in the immediate vicinity and the UPS facility just to the south, along with some residential use. The west side of the road has a mix of offices, a Centurylink utility yard, and older single-family homes. The strong trend in the neighborhood with frontage along Meridian is towards office/commercial and away from residential.

I. Utilities and Public Services:

Sewer:	City sewer
Water:	City water
Refuse:	City collection services
Electricity:	Flathead Electric Cooperative
Telephone:	CenturyLink
Schools:	Kalispell School District #5 – Russell Elementary
Fire:	Kalispell Fire Department
Police:	Kalispell Police Department

J. Public Comment: Notices of the proposed zone change request were sent to adjacent landowners within 215 feet of the affected areas. To date, no public comments have been received.

EVALUATION BASED ON STATUTORY CRITERIA

This report evaluates the zoning map amendment request in accordance with state and local regulations. The statutory basis for reviewing a change in zoning is set forth by Section 27.29.020 of the Kalispell Zoning Ordinance and 76-2-303 M.C.A. Findings of Fact for the zone change request are discussed relative to the itemized criteria described by 76-2-304, M.C.A. The subject property is currently zoned city R-3. The applicant is requesting city B-1.

1. Does the requested zone comply with the growth policy?

The proposal is consistent with the goals and policies of the growth policy (Plan-It 2035). The growth policy maps shows those properties fronting on



North Meridian Road as being urban mixed use, which is an appropriate designation for B-1 zoning. Chapter 4B on Business and Industry includes a goal to provide buffer areas between incompatible uses. Extending the B-1 zone along the west side of the road helps provide that buffer. In addition, the policies section of that chapter which relates to urban mixed use areas calls for zoning to “concentrate more intensive uses along traffic arterials,” “expand small business opportunities,” and “create a gradual transition into the residential neighborhoods by encouraging multi-family, offices and other compatible uses as a transition tool [along urban highways].” This proposal serves all of those purposes.

2. Will the requested zone have an effect on motorized and non-motorized transportation systems?

The requested zoning of B-1 will have minimal effect on the motorized and non-motorized transportation system. The zone allows for both single-family and multi-family residential uses. As a zone intended to buffer residential areas from higher intensity commercial uses, it also allows offices and smaller scale commercial development. The property has frontage on Meridian Road as well as the possibility of utilizing a common access to Meridian through property on the south. The adjacent road has sufficient capacity to serve uses which may go on the property and specific access design will be reviewed when the property is developed.

3. Will the requested zone secure safety from fire, panic, and other dangers?

Adequate access and public facilities are available to the property in the case of an emergency. There are no features related to the property which would compromise the safety of the public. All municipal services including police/fire protection, water and sewer service are available to the property.

4. Will the requested zone promote the public health, safety and general welfare?

As with safety from fire and other dangers, the general health, safety, and welfare of the public will be promoted through general city regulations designed to regulate allowable uses when the property is developed. In this case, the requested zoning classification of B-1 will promote the health and general welfare by restricting land uses to those that would be compatible with the adjoining properties and those in the vicinity.

5. Will the requested zone provide reasonable provisions for adequate light and air?

Setback, height, and lot coverage standards for new development on the area of the zone change are established in the Kalispell Zoning Ordinance to ensure adequate light and air is provided. The requested B-1 Zone has the same setbacks as the existing R-3 Zone, which are 15 feet in the front, 5 feet on the side, and 10 feet in the rear. The maximum lot coverage requirements are similar with 45% in the R-3 and 50% in the B-1. The proposed B-1 Zone would allow for additional height beyond the current maximum height of 35 feet, with a maximum height of 60 feet or more with a conditional use permit.

6. Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?

The property is already within city limits and all public services and facilities are currently available to the property. The requested zone will not alter

any of the public requirements, as there are city standards in place to address all the public requirements individually depending on how the site develops in the future.

7. Will the requested zone promote compatible urban growth?

The character of the neighborhood has a mix of different uses. The area to the east has established commercial development with a tire shop, alignment shop, retail, and quasi-industrial (UPS) being the primary uses. The area to the south has offices and the Centurylink utility yard. To the north along Meridian are older single-family residential homes on larger tracts with B-1 zoning already in place setting the stage for further transition of those adjoining properties. The area to the west includes a mix of older residential uses on large tracts with higher density residential that has relatively recently developed or has been proposed. The proposed B-1 zoning for this property would help serve the buffering role between the residential area to the west and the commercial area on Meridian.

8. Does the requested zone give consideration to the character of the district and its particular suitability of the property for particular uses?

The proposed B-1 Zone is consistent with surrounding development to the north and the south along North Meridian Road. It is also a logical location for a neighborhood buffer district due to its location between higher intensity commercial to the east and residential areas to the west. The uses and development standards within the B-1 are designed to provide a transition between those types of uses. The growth policy recognizes the lots fronting on Meridian as an appropriate location for this type of buffer zone.

9. Will the proposed zone conserve the value of buildings?

Future development in the area will be reviewed for compliance with the dimensional standards and design review criteria, to ensure its appropriateness for the area and compatibility with the surrounding neighborhoods. The conservation of values of the existing buildings in the vicinity depends largely on the design and construction quality of the potential development in the area of the zone change, as opposed to the change of the zoning or potential use of the property.

10. Will the requested zone encourage the most appropriate use of the land throughout the municipality?

The most appropriate land uses throughout the jurisdiction are promoted by encouraging complementary and compatible uses which promote the general well-being of all citizens of the community. In this case, the proposed B-1 Zone is consistent with surrounding development and zoning on the west side of North Meridian Road. It is also a logical location for a neighborhood buffer district due to its location between higher intensity commercial to the east and residential areas to the west.

RECOMMENDATION

It is recommended that the Kalispell City Planning Board and Zoning Commission adopt Staff Report #KZC-20-01 as findings of fact and recommend to the Kalispell City Council that the subject property zoned R-3 (Residential) be rezoned to B-1 (Neighborhood Business).